

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**STRATEGICALLY ACQUIRED REAL  
ESTATE INVESTMENT FUND III, LP,**

**Plaintiff,**

**Case No. 3:14-cv-387**

**Judge Thomas M. Rose**

**-v-**

**SOMA S. AVVA,  
et al,**

**Defendants.**

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**ENTRY AND ORDER OVERRULING AVVA’S MOTION TO DISMISS  
(Doc. # 12) WITHOUT PREJUDICE TO REFILING**

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Plaintiff Strategically Acquired Real Estate Investment Fund III, LP (“Strategically Acquired Real Estate”) filed its Complaint in this matter on November 6, 2014. (Doc. #1.) Pursuant to a request by the Court, Strategically Acquired Real Estate informed the Court of the citizenship of its members by filing a curative pleading which supplemented its Complaint. (Doc. #7.) Now satisfied that it has jurisdiction, the Court turns to the Motion To Dismiss (doc. #12) filed on December 12, 2014 by Defendant Soma S. Avva (“Avva”).

After Avva’s Motion To Dismiss was filed, Strategically Acquired Real Estate has filed an Amended Complaint (doc. #13) and a response to the Motion To Dismiss (doc. #14). The Amended Complaint was filed as a matter of right pursuant to Fed. R. Civ. P. 15(a)(1)(B). Further, the Amended Complaint, which adds factual allegations to the original Complaint, renders Avva’s Motion To Dismiss moot. Therefore, Avva’s Motion To Dismiss (doc. #12) is **OVERRULED WITHOUT PREJUDICE TO REFILING.**

**DONE** and **ORDERED** in Dayton, Ohio this Twelfth Day of January, 2015.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record